

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) SIDE STREET SETBACK VARIANCE FROM 25 FT TO 2.8 FT FOR AN EXISTING 6 FT FENCE; (2) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 5 FT FOR AN ADDITION; (3) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 2.3 FT FOR A EXISTING SHED; (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 2 FT FOR A EXISTING SHED; AND (5) SIDE STREET SETBACK VARIANCE FROM 25 FT TO 4.10 FT FOR A PROPOSED 5 FOOT FENCE; (LORETTA WHITE, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 05-19-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) SIDE STREET SETBACK VARIANCE FROM 25 FT TO 2.8 FT FOR AN EXISTING 6 FT FENCE; (2) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 5 FT FOR AN ADDITION; (3) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 2.3 FT FOR A EXISTING SHED; (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 2 FT FOR A EXISTING SHED; AND (5) SIDE STREET SETBACK VARIANCE FROM 25 FT TO 4.10 FT FOR A PROPOSED 5 FOOT FENCE; (LORETTA WHITE, APPLICANT); OR
2. **DENY** THE REQUEST FOR (1) SIDE STREET SETBACK VARIANCE FROM 25 FT TO 2.8 FT FOR AN EXISTING 6 FT FENCE; (2) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 5 FT FOR AN ADDITION; (3) (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 2.3 FT FOR A EXISTING SHED; (4) (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 2 FT FOR A EXISTING SHED; AND (5) SIDE STREET SETBACK VARIANCE FROM 25 FT TO 4.10 FT FOR A PROPOSED 5 FOOT FENCE; (LORETTA WHITE, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

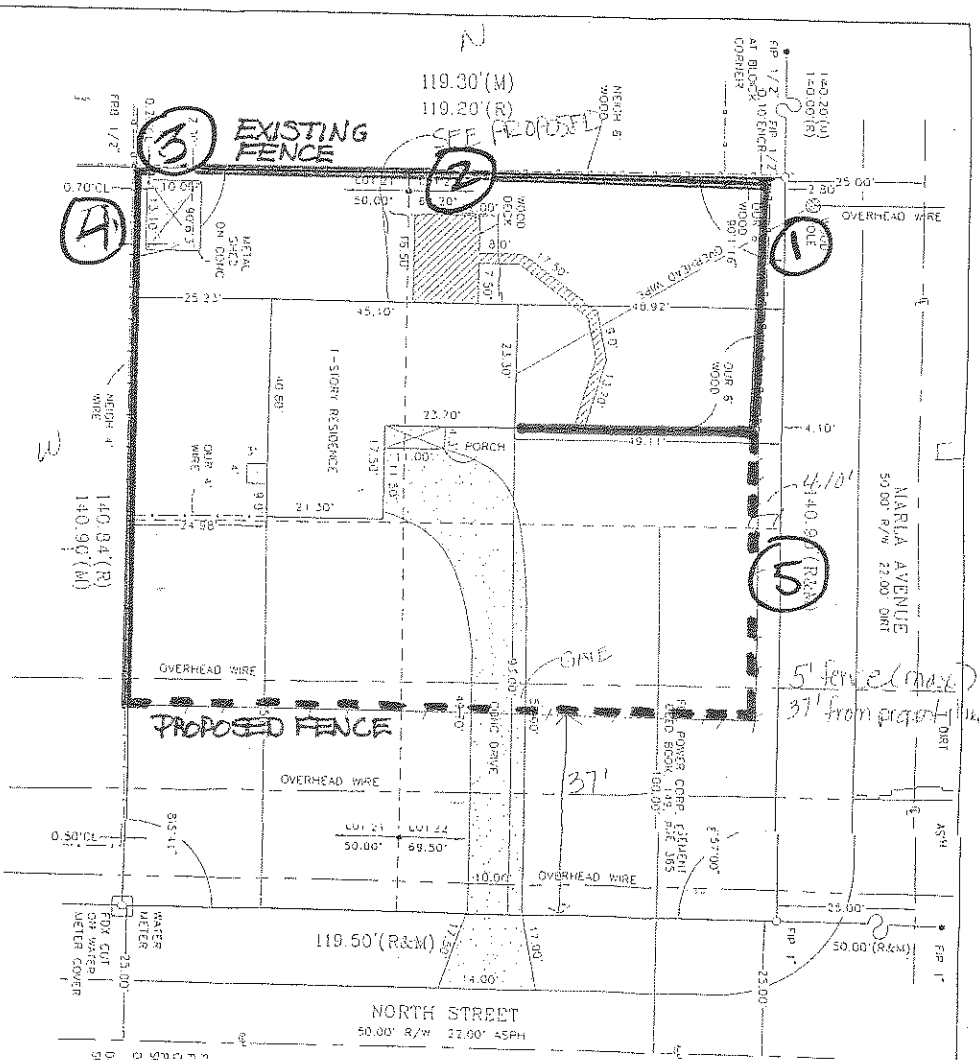
(District 3 – Commissioner Henley)

(Kathy Fall, Senior Planner)

GENERAL INFORMATION	APPLICANT:	LORETTA WHITE
	LOCATION:	1200 NORTH STREET
	ZONING:	R-1AA (SINGLE FAMILY DWELLING DISTRICT)

BACKGROUND/ REQUEST	<ul style="list-style-type: none">• THE EXISTING FENCE, AS DEPICTED ON THE SUBMITTED SITE PLAN, ENCROACHES 22.2 FT INTO THE SIDE STREET SETBACK AND THEREBY REQUIRES A SIDE STREET SETBACK VARIANCE FROM 25 FT TO 2.8 FT TO BECOME CONFORMING AND ALLOW THE ISSUANCE OF FUTURE BUILDING PERMITS.• THE APPLICANT WOULD LIKE TO EXTEND THE EXISTING NONCONFORMING FENCE AS DEPICTED ON THE ATTACHED SITE PLAN AND FURTHER ENCROACH 20.9 FT INTO THE 25 FT MINIMUM SIDE STREET SETBACK; A VARIANCE FROM 25 FT TO 4.10 FT IS REQUESTED.• THE APPLICANT ALSO PROPOSES TO CONSTRUCT A ROOM ADDITION TO THE REAR OF THE EXISTING HOME AND ENCROACH 5 FT INTO THE 10 FT MINIMUM SIDE YARD SETBACK; A VARIANCE FROM 10 FT TO 5 FT IS REQUESTED.• LASTLY, THE APPLICANT SEEKS TO MAKE AN EXISTING SHED CONFORMING BY REQUESTING A (NORTH) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 2.3 FT AND A (WEST) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 2 FT.• THE ENTIRE FRONT YARD OF THE SUBJECT PROPERTY, FROM NORTH STREET TO THE BUILDING LINE, COMPRISES A FLORIDA POWER EASEMENT.• THE SUBJECT PROPERTY'S SIDE STREET PROPERTY LINE IS LOCATED APPROXIMATELY 15 FT FROM THE EDGE OF PAVEMENT ON MARLA STREET.
STAFF FINDINGS	<ul style="list-style-type: none">• THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER LANDS IN THE R-1AA DISTRICT BY EXTENDING AN EXISTING NONCONFORMING USE AND ALLOWING ENCROACHMENT INTO THE APPLICABLE YARDS THAT EXCEED THE LIMITS OF DEVELOPMENT IN THE NEIGHBORHOOD.• THE REQUEST IS NOT THE MINIMUM VARIANCE NEEDED TO ENSURE REASONABLE USE OF THE PROPERTY. THE APPLICANT COULD RELOCATE THE EXISTING SHED AND ROOM ADDITION TO THE WEST SIDE OF THE EXISTING HOME WITHOUT ENCROACHING INTO THE MINIMUM SETBACKS. ALSO, THE EXISTING FENCE PROVIDES REASONABLE PRIVACY.• THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES.
STAFF RECOMMENDATION	STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCES REQUESTED AND MAKE THE APPROPRIATE FINDINGS OF FACT. IF THE BOARD

	<p>SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING FENCE, PROPOSED FENCE, PROPOSED ROOM ADDITION AND EXISTING SHED AS SHOWN ON THE ATTACHED SITE PLAN.• THE APPLICANT SHALL HAVE APPROVAL FROM FLORIDA POWER TO ERECT A FENCE WITHIN THE EASEMENT DEPICTED ON THE SITE PLAN.• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.
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DATE OF SURVEY
10/13/94

SURVEY NO.
8058

PROPERTY ADDRESS
1200 NORTH STREET
LOHMEYER, FLORIDA 32750

LEGAL DESCRIPTION
LOT 2, AND 22, BLOCK H, OF SUNDOWN ESTATES, TRACT NO. 15,
IN PART OF SECTION 9, TOWNSHIP 31 NORTH, RANGE 17 WEST,
COUNTY, FLORIDA

DATE OF SALE
8/3/81

DEVELOPER
AND LORETTA WHITE, REALTY TITLE, INC., NATIONS
TITLE INSURANCE COMPANY, INC., INDIANAPOLIS, INDIANA

PROPERTY ADDRESS
1200 NORTH STREET
LOHMEYER, FLORIDA 32750

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